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| 09/814,388 | 03/21/2001 | Barry Jones | GB 000092 | 8837 |

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EXAMINER

DADA, BEEMNET W

ART UNIT PAPER NUMBER

2135

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,388

Applicant(s)

JONES, BARRY

Examiner

Beemnet W. Dada

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 19-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in reply to an amendment filed on December 27, 2005. Claims 1-8 have been amended, claims 9-18 have been cancelled and new claims 19-25 have been added. Claims 1-8 and 19-25 are pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
3. Claim 7 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
4. Claim 7 is directed to signal embodied in a carrier wave comprising a dedicated text page. The examiner respectfully asserts that the claimed subject matter does not fall within the statutory classes listed in 35 USC 101. Claim 7 is rejected as being directed to a signal.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 1-8 and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seth-Smith et al. US Patent 4,890,321 (hereinafter Seth-Smith) in view of Sharma US Patent 6,766,163 B1.

7. As per claims 1, 4 and 6, Seth-Smith teaches a method of delivering information services to a display apparatus having the capability of receiving broadcast text services, comprising:

receiving information from an information source, adding commands for displaying the information on said display apparatus [figure 1, units 12, 14 and 16 and column 6, lines 28-4151-64];

transmitting the information and the commands to a teletext centre, formatting the information and commands as packet message signals at the teltext centre into at least one dedicated text page dedicated to the delivery of said information [column 3, lines 53-63, column 6, lines 53-67, column 18 lines 29-45 and column 29, lines 10-17];

transmitting the at least one dedicated text page including the information and commands to a display apparatus [column 16, lines 3-13 and column 17 line 40-column 18 line 3];

receiving the at least one dedicated text page including the information and commands at the display apparatus [column 16, lines 3-13 and column 17 line 40-column 18 line 3],

parsing the packet message signals at the display apparatus to recover the commands [column 18 lines 29-44 and column 25, lines 41-64], and

using the recovered commands to display information on said display apparatus in a same format as said teletext signals [column 18, lines 29-44 and column 32, lines 9-26]. Seth-Smith is silent on receiving the information from an Internet server, the information including e-mail messages. However, it is well known in the art to transmit and receive information from an Internet server. For example, within the same field of endeavor Sharma teaches a system for displaying teletext information, including receiving information from an Internet server, the

information including e-mail messages [column 2, lines 52-37, column 4, lines 25-54 and column 6, line 59-column 7, line 22]. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teaching of Sharma within the system of Seth-Smith in order to enhance efficiency of the system.

8. As per claims 5, Seth-Smith teaches a display apparatus having the capability of receiving broadcast services as teletext signals, said display apparatus comprising: a client for parsing commands used to condition said display apparatus to display the information [column 18, lines 29-44 and column 32, lines 9-26], said commands being present in packet message signals transmitted in at least one predetermined dedicated text page and means for parsing the commands and conditioning the display apparatus in response to the commands for display of said information in a same format as said teletext signals[column 6, lines 53-67, column 18 lines 29-45, column 29, lines 10-17 and figures 10-13]. Seth-Smith is silent on receiving the information from an Internet server, the information including e-mail messages. However, it is well known in the art to transmit and receive information from an Internet server. For example, within the same field of endeavor Sharma teaches a system for displaying teletext information, including receiving information from an Internet server, the information including e-mail messages [column 2, lines 52-37, column 4, lines 25-54 and column 6, line 59-column 7, line 22]. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teaching of Sharma within the system of Seth-Smith in order to enhance efficiency of the system.

9. As per claim 7, Seth-Smith teaches a signal comprising a predetermined dedicated text page dedicated to the exclusive delivery of said information services, said predetermined

dedicated text page including at least one packet message signal including encrypted information and commands for operating on and/or displaying the information on a display apparatus in a same format as said teletext signals [column 6, lines 53-67, column 18 lines 29-45, column 29, lines 10-17 and figures 10-13]. Seth-Smith is silent on receiving the information from an Internet server, the information including e-mail messages. However, it is well known in the art to transmit and receive information from an Internet server. For example, within the same field of endeavor Sharma teaches a system for displaying teletext information, including receiving information from an Internet server, the information including e-mail messages [column 2, lines 52-37, column 4, lines 25-54 and column 6, line 59-column 7, line 22]. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teaching of Sharma within the system of Seth-Smith in order to enhance efficiency of the system.

10 As per claims 2 and 8, Seth-Smith and Sharma teach the system as applied above. furthermore, Sharma teaches the system, wherein the packet message signals are formatted as short message service (SMS) signals [column 1, lines 25-36].

11. As per claims 3, Seth-Smith teaches the system as applied above. Furthermore, Seth-Smith teaches the method wherein the packet message signal includes an information service identifier and in that a display apparatus is enabled by the information service identifier to receive information services transmitted in the at least one text page [column 3, lines 40-53].

12. As per claims 19-25 Seth-Smith teaches the system as applied above. Furthermore, Seth-Smith teaches the source and display apparatus [figure 1].

Response to Arguments

13. Applicant's arguments with respect to claims 1-8 and 19-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

March 14, 2006



KIM VU
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